

103D CONGRESS
1ST SESSION

H. R. 677

To exchange lands within the State of Utah, between the United States
and the State of Utah

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Mr. HANSEN (for himself and Ms. SHEPHERD) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To exchange lands within the State of Utah, between the
United States and the State of Utah

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Utah Schools and
5 Lands Improvement Act of 1993”.

6 **SEC. 2. UTAH-NAVAJO LAND EXCHANGE.**

7 (a) ADDITIONS TO RESERVATION.—For the purpose
8 of securing in trust for the Navajo Nation certain lands
9 belonging to the State of Utah, which comprise approxi-
10 mately thirty-eight thousand five hundred acres of surface

1 and subsurface estate, and approximately an additional
2 nine thousand five hundred acres of subsurface estate, as
3 generally depicted on the map entitled “Utah-Navajo
4 Land Exchange”, dated May 18, 1992, such lands are
5 hereby declared to be part of the Navajo Indian Reserva-
6 tion in the State of Utah effective upon the completion
7 of conveyance from the State of Utah and acceptance of
8 title by the United States.

9 (b) AUTHORIZATION.—The Secretary of the Interior
10 is authorized to acquire through exchange those lands de-
11 scribed in subsection (a) which are owned by the State
12 of Utah, subject to valid existing rights.

13 **SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RES-**
14 **ERVATION.**

15 (a) ADDITION TO RESERVATION.—For the purpose
16 of securing in trust for the Goshute Indian Tribe certain
17 lands belonging to the State of Utah, which comprise ap-
18 proximately nine hundred eighty acres of surface and sub-
19 surface estate, and an additional four hundred and eighty
20 acres of subsurface estate, as generally depicted on the
21 map entitled “Utah-Goshute Land Exchange”, dated May
22 18, 1992, such lands are hereby declared to be part of
23 the Goshute Indian Reservation in the State of Utah effec-
24 tive upon the completion of conveyance from the State of
25 Utah and acceptance of title by the United States.

1 (b) AUTHORIZATION.—The Secretary of the Interior
2 is authorized to acquire through exchange those lands de-
3 scribed in subsection (a) which are owned by the State
4 of Utah, subject to valid existing rights.

5 (c) OTHER LAND.—(1) The following tract of Fed-
6 eral land located in the State of Nevada, comprising ap-
7 proximately five acres more or less, together with all im-
8 provements thereon is hereby declared to be part of the
9 Goshute Indian Reservation, and shall be held in trust for
10 the Goshute Indian Tribe: Township 30 north, range 69
11 east, lots 5, 6, 7, 9, 11, and 14 of section 34.

12 (2) No part of such lands shall be used for gaming
13 or any related purpose.

14 **SEC. 4. IMPLEMENTATION.**

15 The exchanges authorized by sections 2 and 3 of this
16 Act shall be conducted without cost to the Navajo Nation
17 and the Goshute Indian Tribe.

18 **SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYS-**
19 **TEM.**

20 (a) AUTHORIZATION.—The Secretary of Agriculture
21 is authorized to accept on behalf of the United States the
22 school and institutional trust lands owned by the State
23 of Utah within units of the National Forest System, com-
24 prising approximately seventy-six thousand acres as de-

1 picted on a map entitled “Utah Forest Land Exchange”,
2 dated May 18, 1992.

3 (b) STATUS.—Any lands acquired by the United
4 States pursuant to this section shall become a part of the
5 national forest within which such lands are located and
6 shall be subject to all the laws and regulations applicable
7 to the National Forest System.

8 **SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK**
9 **SYSTEM.**

10 (a) AUTHORIZATION.—The Secretary of the Interior
11 is hereby authorized to accept on behalf of the United
12 States all school and institutional trust lands owned by
13 the State of Utah located within all units of the National
14 Park System, comprising approximately eighty thousand
15 acres, located within the State of Utah on the date of
16 enactment of this Act.

17 (b) STATUS.—(1) Notwithstanding any other provi-
18 sion of law, all lands of the State of Utah within units
19 of the National Park System that are conveyed to the
20 United States pursuant to this section shall become a part
21 of the appropriate unit of the National Park System, and
22 be subject to all laws and regulations applicable to that
23 unit of the National Park System.

24 (2) The Secretary of the Interior shall, as a part of
25 the exchange process of this Act, compensate the State

1 of Utah for the fair market value of five hundred eighty
2 and sixty-four one-hundredths acres within Capitol Reef
3 National Park that were conveyed by the State of Utah
4 to the United States on July 2, 1971, for which the State
5 has never been compensated. The fair market value of
6 these lands shall be established pursuant to section 8 of
7 this Act.

8 **SEC. 7. OFFER TO STATE.**

9 (a) SPECIFIC OFFERS.—Within thirty days after en-
10 actment of this Act, the Secretary of the Interior shall
11 transmit to the State of Utah a list of lands, or interests
12 in lands, within the State of Utah for transfer to the State
13 of Utah in exchange for the State lands and interests de-
14 scribed in sections 2, 3, 5, and 6 of this Act. Such list
15 shall include only the following Federal lands, or interests
16 in lands:

17 (1) Blue Mountain Telecommunications Site,
18 fee estate, approximately six hundred and forty
19 acres.

20 (2) Beaver Mountain Ski Resort Site, fee es-
21 tate, approximately three thousand acres, as gen-
22 erally depicted on the map entitled “Beaver Moun-
23 tain Ski Resort” dated September 16, 1992.

24 (3) The unleased coal located in the Winter
25 Quarters tract.

1 (4) The unleased coal located in the Crandall
2 Canyon tract.

3 (5) All royalties receivable by the United States
4 with respect to coal leases in the Quitcupah (Con-
5 vulsion Canyon) tract.

6 (6) The unleased coal located in the Cotton-
7 wood Canyon tract.

8 (7) The unleased coal located in the Soldier
9 Creek tract.

10 (b) ADDITIONAL OFFERS.—(1) In addition to the
11 lands and interests specified in subsection (a), the Sec-
12 retary shall offer to the State of Utah a portion of the
13 royalties receivable by the United States with respect to
14 Federal geothermal, oil, gas, or other mineral interests in
15 Utah which on December 31, 1992, were under lease and
16 covered by an approved permit to drill or plan of develop-
17 ment and plan of reclamation, were in production, and
18 were not under administrative or judicial appeal.

19 (2) No offer under this subsection shall be for royal-
20 ties aggregating more than 50 per centum of the total ap-
21 praised value of the State lands described in sections 2,
22 3, 5, and 6.

23 (3) The Secretary shall make no offer under this sub-
24 section which would enable the State of Utah to receive

1 royalties under this section exceeding \$12,500,000 annu-
2 ally.

3 (4) If the total value of lands and interests therein
4 and royalties offered to the State pursuant to subsections
5 (a) and (b) is less than the total value of the State lands
6 described in sections 2, 3, 5, and 6, the Secretary shall
7 provide the State a list of all public lands in Utah that
8 as of December 31, 1992, the Secretary in Resource Man-
9 agement Plans prepared, pursuant to the Federal Land
10 Policy and Management Act of 1976, had identified as
11 suitable for disposal by exchange or otherwise, and shall
12 offer to transfer to the State any or all of such lands,
13 as selected by the State, in partial exchange for such State
14 lands, to the extent consistent with other applicable laws
15 and regulations.

16 **SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.**

17 (a) EQUAL VALUE.—All exchanges authorized under
18 this Act shall be for equal value. No later than ninety days
19 after enactment of this Act, the Secretary of the Interior,
20 the Secretary of Agriculture, and the Governor of the
21 State of Utah shall provide for an appraisal of the lands
22 or interests therein involved in the exchanges authorized
23 by this Act. A detailed appraisal report shall utilize nation-
24 ally recognized appraisal standards including, to the ex-

1 tent appropriate, the Uniform Appraisal Standards for
2 Federal Land Acquisition.

3 (b) DEADLINE AND DISPUTE RESOLUTION.—(1) If
4 after two years from the date of enactment of this Act,
5 the parties have not agreed upon the final terms of some
6 or all of the exchanges authorized by this Act, including
7 the value of the lands involved in some or all of such ex-
8 changes, notwithstanding any other provisions of law, the
9 United States District Court for the District of Utah,
10 Central Division, shall have jurisdiction to hear, deter-
11 mine, and render judgment on the value of any and all
12 lands, or interests therein, involved in the exchange.

13 (2) Any action provided for in this subsection can be
14 filed with the court no sooner than two years and no later
15 than five years after the date of enactment of this Act.
16 Any decision of a district court under this Act may be
17 appealed in accordance with the applicable laws and rules.

18 (c) ADJUSTMENT.—If the State shares revenue from
19 the selected Federal properties the value of such prop-
20 erties shall be the value otherwise established under this
21 section, less the percentage which represents the Federal
22 revenue sharing obligation, but such adjustment shall not
23 be considered as reflecting a property right of the State
24 of Utah.

1 (d) INTEREST.—Any royalty offer by the Secretary
2 pursuant to subsection 7(b) shall be adjusted to reflect
3 net present value as of the effective date of the exchange.
4 The State shall be entitled to receive a reasonable rate
5 of interest at a rate equivalent to a five-year treasury note
6 on the balance of the value owed by the United States
7 from the effective date of the exchange until full value is
8 received by the State and mineral rights revert to the
9 United States as prescribed by subsection 9(a)(3).

10 **SEC. 9. TRANSFER OF TITLE.**

11 (a) TERMS.—(1) The State of Utah shall be entitled
12 to receive so much of those lands or interests in lands and
13 additional royalties described in section 7 that are offered
14 by the Secretary of the Interior and accepted by the State
15 as are equal in value to the State lands and interests de-
16 scribed in sections 2, 3, 5, and 6.

17 (2) For those properties where fee simple title is to
18 be conveyed to the State of Utah, the Secretary of the
19 Interior shall convey, subject to valid existing rights, all
20 right, title, and interest, subject to the provisions of sub-
21 section (b). For those properties where less than fee simple
22 is to be conveyed to the State of Utah, the Secretary shall
23 reserve to the United States all remaining right, title, and
24 interest of the United States.

1 (3) All right, title, and interest in any mineral rights
2 described in section 7 that are conveyed to the State of
3 Utah pursuant to this Act shall revert to the United States
4 upon removal of minerals equal in value to the value at-
5 tributed to such rights in connection with an exchange
6 under this Act.

7 (4) If the State of Utah accepts the offers provided
8 for in this Act, the State shall convey to the United States,
9 subject to valid existing rights, all right, title, and interest
10 of the State to all school and institutional trust lands de-
11 scribed in sections 2, 3, 5, and 6 of this Act. Except as
12 provided in section 7(b), conveyance of all lands or inter-
13 ests in lands shall take place within sixty days following
14 agreement by the Secretary of the Interior and the Gov-
15 ernor of the State of Utah, or entry of an appropriate
16 order of judgment by the district court.

17 (b) INSPECTIONS.—Both parties shall inspect all per-
18 tinent records and shall conduct a physical inspection of
19 the lands to be exchanged pursuant to this Act for the
20 presence of any hazardous materials as presently defined
21 by applicable law. The results of those inspections shall
22 be made available to the parties. Responsibility for costs
23 of remedial action related to materials identified by such
24 inspections shall be borne by those entities responsible
25 under existing law.

1 (c) CONDITIONS.—(1) With respect to the lands and
2 interests described in section 7, enactment of this Act
3 shall be construed as satisfying the provisions of section
4 206(a) of the Federal Land Policy and Management Act
5 of 1976 requiring that exchanges of lands be in the public
6 interest.

7 (2) Development of any mineral interest transferred
8 to the State of Utah pursuant to this Act shall be subject
9 to all laws, rules, and regulations applicable to develop-
10 ment of non-Federal mineral interests, including, where
11 appropriate, laws, rules, and regulations applicable to such
12 development within national forests.

13 **SEC. 10. LEGAL DESCRIPTIONS.**

14 (a) IN GENERAL.—As soon as practicable after en-
15 actment, a map and legal description of the lands added
16 to the Navajo and Goshute Indian Reservations and all
17 lands exchanged under this Act shall be filed by the appro-
18 priate Secretary with the Committee on Natural Resources
19 of the House of Representatives and the Committee on
20 Energy and Natural Resources of the Senate, and each
21 such map and description shall have the same force and
22 effect as if included in this Act, except that the appro-
23 priate Secretary may correct clerical and typographical er-
24 rors in each such legal description and map. Each such
25 map and legal description shall be on file and available

1 for public inspection in the offices of the Secretary of Agri-
2 culture and the Secretary of the Interior and the Utah
3 offices of the appropriate agencies of the Department of
4 the Interior and Department of Agriculture.

5 (b) PILOT.—Section 6902(b) of title 31, United
6 States Code, is amended by striking “acquisition.” and in-
7 serting in lieu thereof “acquisition, nor does this sub-
8 section apply to payments for lands in Utah acquired by
9 the United States if at the time of such acquisition units,
10 under applicable State law, were entitled to receive pay-
11 ments from the State for such lands, but in such case no
12 payment under this chapter with respect to such acquired
13 lands shall exceed the payment that would have been made
14 under State law if such lands had not been acquired.”.

15 (c) INTENT.—The lands and interests described in
16 section 7 are an offer related only to the State lands and
17 interests described in this Act, and nothing in this Act
18 shall be construed as precluding conveyance of other lands
19 or interests to the State of Utah pursuant to other ex-
20 changes under applicable existing law or subsequent Act
21 of Congress. It is the intent of Congress that the State
22 should establish a funding mechanism, or some other
23 mechanism, to assure that counties within the State are
24 treated equitably as a result of this exchange.

1 (d) COSTS.—The United States and the State of
2 Utah shall each bear its own respective costs incurred in
3 the implementation of this Act.

4 (e) DEFINITION.—As used in this Act, the term
5 “school and institutional trust lands” means those prop-
6 erties granted by the United States in the Utah Enabling
7 Act to the State of Utah in trust and other lands which
8 under State law must be managed for the benefit of the
9 public school system or the institutions of the State which
10 are designated by the Utah Enabling Act.

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this Act.